

**REGULAR MEETING
DECEMBER 5, 2007**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:08 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Caletka, and Councilmembers Luis and Starkey (departed at 1:57 a.m.). Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting. Councilmember Crowley was absent.

Councilmember Starkey made a motion, seconded by Vice-Mayor Caletka, to excuse Councilmember Crowley's absence. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

3. OPEN PUBLIC MEETING

Mayor Truex opened the open public meeting.

Damiano Pignato noted the success of the autistic children's camp the previous summer and stated they would like to use the facility from July 12-16, 2008.

Scott Cristle, Vice Chair of the Mobile Home Task Force, informed Council that at least one park owner had disregarded the mobile home moratorium and closed parks and/or forced tenants out. He felt it was urgent that Council approve an extension of the moratorium for one year to allow time to implement the Task Force's suggestions. Mr. Cristle also asked that the moratorium be enforced.

John Nasta, president of Davie Fraternal Order of Police, thanked Council for moving forward with their agreement.

Ellen Christopher thanked Vice-Mayor Caletka for suggesting the creation of a skateboard park. She felt Pine Island Park was the ideal spot and asked Council to support this project.

Judy Paul referred to a recent newspaper article regarding municipal investors and she was pleased that thanks to the quick actions of the Town Administrator and Finance Director, the Town's money was safe. She was concerned that there might be a flaw with the way engineering plans were approved and she wanted to address this with staff.

Jeffrey Price described drainage issues at his property and asked for help from Town staff. Mayor Truex asked Mr. Shimun to look into this.

Pam Pelky-Rose stated that there was a problem with agenda links on the web site. Mayor Truex agreed that money should be refunded to any resident who had needed to pay for paper copies.

Mary Geus, Emerald Isles West Condominium Association, said that members felt false claims had been made by the Downtown Davie project developer at the previous Council meeting. Mayor Truex explained that this item would be added to the agenda and Ms. Geus could address this item when it was heard.

Mayor Truex advised that item 8.2 needed to be added.

Councilmember Luis made a motion, seconded by Councilmember Starkey, to add item 8.2. In a voice vote, with Vice-Mayor Caletka dissenting and Councilmember Crowley being absent, all voted in favor. (Motion carried 3-1)

John Ladue provided an update on the walkway that was discussed in October. Mayor Truex advised Mr. Ladue to consult the Town's website where he would discover that Council had discussed this and decided not to pursue it.

Another resident remarked on the municipal investment fund, and asked about the Town's investment policy. Vice-Mayor Caletka informed the resident that they had dealt with the Town's investment policy on a related issue. The resident asked Council to extend the mobile home park moratorium.

William Rogers said he had not received proper notice regarding projects in his neighborhood and asked that the notification method be improved.

Mayor Truex advised that item 4.22 needed to be added.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to add item 4.22. In a voice vote, with Councilmember Crowley being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex stated that the applicant had requested tabling item 6.3.

Councilmember Starkey made a motion, seconded by Mayor Truex, to table to December 19, 2007. In a voice vote, with Councilmember Crowley being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex stated that the applicant had requested tabling item 6.7 and 6.10.

Councilmember Starkey made a motion, seconded by Mayor Truex, to table items 6.7 and 6.10 to December 19, 2007. In a voice vote, with Councilmember Crowley being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex advised that items 4.21 and 6.13 had been withdrawn by the applicants.

Vice-Mayor Caletka stated that in deference to Councilmember Crowley's absence, he moved to table items 4.15, 4.16, 4.20, 6.1, 6.9, 6.12 and 4.13 to the first meeting in January. Mr. Shimun stated that Councilmember Crowley had phoned him and requested that Council not table items on his behalf. Mayor Truex wanted to go forward with the items because many people were present to speak regarding them, and Councilmember Starkey agreed.

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1 November 5, 2007 (Workshop Meeting)

4.2 November 7, 2007 (Regular Meeting)

Business Tax Receipt,

4.3 Z Roofing Inc., 2773 Birch Terrace

Resolutions

4.4 **ESTABLISHING POLICY - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A SURVEILLANCE POLICY TO INCLUDE DEFINITIONS, DIRECTION, EXCEPTIONS AND IMPLEMENTATION.** (tabled from November 7, 2007)

4.5 **BUDGET TRANSFER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2007-334 **AUTHORIZING A BUDGET TRANSFER WITHIN THE ESTIMATED APPROPRIATIONS FOR FISCAL YEAR 2006/2007.**

- 4.6
R-2007-335 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE OBEDIENCE TRAINING CLUB OF PALM BEACH COUNTY FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR DOG OBEDIENCE COMPETITION. (February 15 - 17, 2007; arena rental fee - \$3,000)
- 4.7
R-2007-336 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A SUB-RECIPIENT GRANT AGREEMENT WITH ADOPT A HURRICANE FAMILY INC., TO ADMINISTER THE TOWN'S MOBILE HOME REPAIR/REPLACEMENT PROGRAM TO ASSIST DAVIE HURRICANE WILMA VICTIMS UNDER THE 2005 CDBG DISASTER RECOVERY INITIATIVE (DRI).
- 4.8
R-2007-337 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND WOODBRIDGE RANCHES HOMEOWNERS' ASSOCIATION INC. TO ERECT AND MAINTAIN AN ENTRY PRIVACY WALL WITHIN THE TOWN'S RIGHT-OF-WAY; AND PROVIDING AN EFFECTIVE DATE. (DA 12-1-05, Woodbridge Ranches, 14500 SW 26 Street)
- 4.9
R-2007-338 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH FIRST VEHICLE SERVICES, INC. FOR VEHICLE MAINTENANCE SERVICES. (\$1,407,049)
- 4.10
R-2007-339 **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "ROYAL DAVIE" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 12-3-05, Royal Davie, 5509 SW 64 Avenue) *Planning and Zoning Board recommended approval*
- 4.11
R-2007-340 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING AN EXISTING 80' x 124' ACCESS EASEMENT AND NON-VEHICULAR ACCESS LINE (NVAL) FROM THE "WESTPORT BUSINESS PARK PARCELS A & B," AND PROVIDING AN EFFECTIVE DATE. (DG 1-2-07, Washington Mutual, 6505 Nova Drive)
- 4.12
R-2007-341 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO VACATE AN EXISTING TEN (10) FOOT EQUESTRIAN TRAIL EASEMENT LOCATED ALONG THE SOUTHERN BOUNDARY LINE AND AN EXISTING TEN (10) FOOT UTILITY EASEMENT LOCATED ALONG THE EASTERN AND SOUTHERN BOUNDARY LINES ON THE PLAT KNOWN AS "CHARLESTON OAKS", AND PROVIDING AN EFFECTIVE DATE. (DG 6-2-07, Charleston Oaks, generally located south of SW 26 Street between SW 142 Avenue and SW 148 Avenue)

- 4.13
R-2007-342 **DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "TROTTERS CHASE" PLAT, AND PROVIDING AN EFFECTIVE DATE. (DG 7-1-07, Trotters Chase, 5820 Griffin Road)**
- 4.14
R-2007-343 **DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO DELETE THE EXISTING 10 FOOT BRIDAL PATH EASEMENT LOCATED AT THE EAST PORTION OF LOT 7 OF THE PLAT KNOWN AS "LETO ESTATES NO. 3", AND PROVIDING AN EFFECTIVE DATE. (DG 10-2-07, Gulla, 13201 SW 16 Court) [see related item 6.11]**
- 4.15
R-2007-344 **DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO VACATE AN EXISTING TWELVE (12) FOOT UTILITY EASEMENT LOCATED ALONG THE EASTERN BOUNDARY LINE ON THE PLAT KNOWN AS "TROTTERS CHASE," AND PROVIDING AN EFFECTIVE DATE. (DG 10-3-07, Trotters Chase, 5820 Griffin Road) [see related items 4.16, 4.20, 6.1, 6.9 and 6.12]**
- 4.16
R-2007-345 **DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO AMEND THE LOCATION OF A TWENTY (20) FOOT DRAINAGE EASEMENT ON THE PLAT KNOWN AS "TROTTERS CHASE," AND PROVIDING AN EFFECTIVE DATE. (DG 10-4-07, Trotters Chase, 5820 Griffin Road) [see related items 4.15, 4.20, 6.1, 6.9 and 6.12]**

Quasi-Judicial Consent Agenda

- 4.17 SP 12-6-05, Royal Davie, 5500 block of Davie Road (R-3) **[see related item 6.8]** *Site Plan Committee recommended to approve subject to 1) the staff report; 2) that the landscape plans be revised subject to the input given during the Site Plan Committee's review and that the plans need staff's approval and be brought back to the Committee in order to show the revisions, and note – this was not intended to stop the applicant from proceeding through the process; 3) on the plans, make LP-2 sewer line match SP-1 which is the correct depiction; 4) change 90 Green Island Ficus to Gold Mound at the cul-de-sac; 5) lots 1 and 19, there will be no driveway cut off to the street until 70-feet from the east property lines; and 6) SP-1, delete entry fountain and add stone or natural material features to the entry walls and add a cap feature on the main wall section*
- 4.18 SPM 10-1-06, Westport Plaza, Washington Mutual, 6505 Nova Drive (M-4) *Site Plan Committee recommended to approve subject to Equity One revising the center to reflect the originally approved site plan for landscaping; subject to staff's comments in the planning report; to provide a color board and rendering with notes of the colors on the elevation; that the mechanical screen will be stucco and be the same height as the units; and create two recesses on the two faces of the upper portion of the tower, all to be accomplished prior to receiving a Certificate of Occupancy.*

- 4.19 SPM 9-3-07, Rolling Hills Residence, 3501 West Rolling Hills Circle (CF) and (CR) *Site Plan Committee recommended to approve subject to the following conditions: 1) all the requirements in the staff report shall be met; 2) revise the photometric for the tennis area, show all lighting fixtures and poles in the tennis areas, make a note that they shall be shielded and show all feature details that need to come back to the Site Plan Committee either concurrently or after Town Council's review; 3) submit a detailed landscaping plan showing all materials, quantities, sizes and locations to be brought back to the Site Plan Committee for review either prior to or after Council's review; 4) lighten the dark color on the main building from terracotta to a lighter tone and verify that color with the Site Plan Committee on re-submittal; and 5) the applicant shall verify that all the air conditioning units would be screened from view*
- 4.20 MSP 1-1-06, Trotters Chase, 5820 Griffin Road (Griffin Corridor/A-1) **[see related items 4.15, 4.16, 6.1, 6.9 and 6.12]** *Site Plan Committee recommended to approve subject to the following conditions: 1) that all staff's recommendations one through ten are met; 2) show a WB-55 truck route from the entrance on Griffin Road to the large retail box, adjust the site plan curbing, parking and islands to mitigate impact and show the actual truck routes on the site plan; 3) note that all restaurants will have interior air conditioned rooms for trash, can washers and storage; 4) move transformer on the west side of building B and extend the loading area to that area; 5) show all dimensions on all villa driveways and change driveway lengths to at least 18-feet; 6) connect all loading zone areas and dumpster areas to the adjacent sidewalks as discussed; 7) note that the developer will install all grease traps to be pre-installed during the original development of the project; 8) trellises will be added to the landscape and site plan as presented during the meeting with the landscape plan showing the addition of some type of vine on those trellises; 9) adjust the width of the garages on the townhouses to 19' 8"; 10) examine or study if some of the compact spaces could be moved to other areas of the project instead of being concentrated against the townhouse area; 11) for the second-floor trellises on the residential, add roofs to the trellises and/or provide some type of "rain catcher" mechanism so the water does not hit those patios; and 12) restudy and provide better details on the windows of buildings A, B and C*

WITHDRAWN BY PETITIONER

- 4.21 SP 6-7-06 Falcon Tire Center, 2600 Davie Road (M-4, County) *Site Plan Committee recommendation to approve subject to staff's recommendations and the following conditions: 1) that a note be made on the plans that the walls on the sides of the property be pre-cast concrete, eight-foot high, with columns that would match the rendering as presented; 2) that within the landscaping of the east perimeter, south perimeter and north side of the structure, the Tabebuia trees would be replaced with Bald Cypress; 3) that the construction trailer would be removed prior to any Certificate of Occupancy inspections; 4) that the nine Oak trees on the south side of the property would be increased from 14-feet to 16-feet; 5) make a note on the plans that the front retaining wall would be eight-feet high; and 6) be sure that the dumpster enclosure was wide enough to accommodate the dumpster*

Item to be added

- 4.22 Rick Case Bikes for Kids

Vice-Mayor Caletka pulled items 4.8, 4.13, 4.15, 4.16, 4.17, and 4.20 from the Consent Agenda. Councilmember Starkey pulled item 4.22. Councilmember Luis pulled item 4.4.

Vice-Mayor Caletka made a motion, seconded by Councilmember Luis, to approve less items 4.4, 4.8, 4.13, 4.15, 4.16, 4.17, 4.20 and 4.22. In a voice vote, with Councilmember Crowley being absent, all voted in favor. (Motion carried 4-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.4 Councilmember Luis made a motion, seconded by Mayor Truex, to table to the next meeting. In a voice vote, with Councilmember Crowley being absent, all voted in favor. (Motion carried 4-0)

4.8 Vice-Mayor Caletka said that he traditionally opposed signs being installed in the Town right-of-way.

Bill Laystrom, representing the developer, explained that this was a privacy wall to protect residents from headlights. He believed it was not appropriate that the residents should be forced to maintain the entire east side of the road and asked Council to eliminate this requirement, except in the area where the wall would be erected. Mr. Shimun said that Town staff did not believe the additional maintenance requirement was that onerous. Councilmember Luis felt the association could perform this maintenance.

Councilmember Luis made a motion to approve with the stipulation that Town property would be maintained by the Town, except in the area where the wall would be erected. Motion died for lack of a second.

Councilmember Starkey made a motion to accept staff recommendations and requested that if they erected a privacy wall, they would maintain the additional 10 feet as part of the maintenance agreement with the HOA.

Mr. Laystrom asked if this allowed them not to install a privacy wall. Councilmember Starkey said she thought they had already agreed to erect the wall and said it would be easier for the association landscaper to maintain this property. Mr. Laystrom pointed out that the privacy wall was not required by Code and was an “add on.” Councilmember Starkey’s motion died for lack of a second.

Vice-Mayor Caletka made a motion to deny. Motion died for lack of a second.

Councilmember Luis reiterated his previous motion to approve with the stipulation that Town property would be maintained by the Town, except in the area where the wall would be erected. Mayor Truex seconded the motion. In a voice vote, with Vice-Mayor Caletka dissenting and Councilmember Crowley being absent, all voted in favor. (Motion carried 3-1)

4.17 This item was approved during the discussion under item 6.8

4.13, 4.15, 4.16 and 4.20 These items were approved during the discussion under item 6.1.

4.22 Earlier in the meeting, Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Crowley being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex presented the proclamation to Rick and Rita Case. Mr. Case thanked Council for their support of the Bikes for Kids program. He stated that they had given away approximately 100,000 bikes in 26 years.

Mr. Rayson reported that he had spoken to the attorneys for the Downtown Davie project and Emerald Isles condominium and they were working to resolve the remaining issues. The attorney representing Emerald Isles informed Mr. Rayson he was working on a plan and would submit it to him when it was complete. No representative was present from the Downtown Davie project and Mayor Truex requested that a staff member attempt to contact their attorney.

6. PUBLIC HEARING

Resolution

6.1 **FLEX UNITS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2007-346 **AUTHORIZING THE ALLOCATION OF FLEX UNITS AND RESERVE UNITS FROM FLEXIBILITY ZONE 102, AS WELL AS AFFORDABLE FLEX UNITS IN ACCORDANCE WITH THE BROWARD COUNTY LAND USE PLAN AND THE ADMINISTRATIVE RULES DOCUMENT: BROWARD COUNTY LAND USE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE. [see related items 4.15, 4.16, 4.20, 6.9 and 6.12] *Planning and Zoning Board recommended approval***

Mayor Truex announced that items 4.13, 4.15, 4.16, 4.20, 6.1, 6.9 and 6.12 for Trotters Chase would be heard together unless the applicant objected.

Mr. Rayson read the resolutions and ordinance by title. He swore in the witnesses.

Acting Deputy Planning and Zoning Manager David Abramson summarized the staff reports.

Dennis Mele, representing the applicant, agreed to all items being heard concurrently. He said they had agreed to make all the changes suggested by the Site Plan Committee and the Planning and Zoning Board. Mr. Mele presented photos of the property and explained the requests. Mr. Mele pointed out that there was no government-subsidized housing involved in this project. He also clarified that they had signed a water and sewer agreement with the Town Utilities Department and reserved all capacity needed for the project. Mr. Mele added that they would work with the School Board to mitigate the impact additional students would have on the elementary school.

Mr. Mele confirmed that all the buildings were attractive from all four sides and explained there was a bus stop on Griffin Road to the east of the main entrance. Mayor Truex asked if bike racks would be installed. Mr. Mele said these were not planned, but could be installed.

Vice-Mayor Caletka asked the anticipated sale price for the duplex units. Mr. Mele stated that these units and the two-story townhomes were in the \$299,000 to \$399,000 range. The total value of the finished project was \$70 million. Mr. Mele estimated the property tax yield would be approximately \$3 million per year, with the Town's share being approximately 25%.

Frank Amedia explained their policy and practice regarding screening of possible residents for criminal records. He informed Vice-Mayor Caletka that this was a family-style development and alcohol sales would be limited to a restaurant. Mr. Mele said that they were proposing restrictive covenants to prohibit nightclubs, stand-alone bars, adult bookstores, etc. He described a scheme they would use with retail establishments to offer reductions in their rents for employing residents of the development and of the Town.

Councilmember Luis asked if Town employees could be offered preferential treatment for purchasing the units. Housing & Community Development Director Shirley Taylor-Prakelt said this was not permitted under federal fair housing laws, but they could market the units to specific communities and groups. Ms. Taylor-Prakelt assured that having inclusionary, affordable housing did not cause crime or other problems. She confirmed that this was not Section 8 or any form of government-subsidized housing. Ms. Taylor-Prakelt informed Council that Mr. Amedia acknowledged the affordable housing crisis in Davie and had offered to add the affordable housing component at great cost to the project.

Mr. Rayson opened the public hearing portion of the meeting.

Damiano Pignato stated that he had voted to approve this project at the Planning and Zoning Board meeting. He believed this was an "extremely well-planned" project and wanted to see more projects such as this in Town.

Mitchell Chester stated, "this project is a commitment to do what is right." He explained that this project utilized green building techniques, encouraged alternative transportation, and should serve as an example for future developers.

Lori Davis [speaking through an interpreter] said she hoped to live with her family at Trotters Chase. She felt this was a wonderful opportunity.

Mark Freider, President of Country Homes Homeowner's Association, presented letters from members of his association opposing this project. Mr. Freider claimed that rental properties resulted in increased calls of service to the police and believed this development would put a strain on emergency services in Town. He presented an opposition letter from a resident not in attendance.

Brent Adrienne noted the exit onto 15th Avenue and thought this would bring 5,000 cars a day down 48th Street and up 55th Avenue. He asked Council to leave the two southern parcels zoned agricultural.

Scott Cristle referred to a flyer that had been distributed by the opposition suggesting an increase in crime because of the affordable housing component. Mr. Cristle presented a copy of a petition with signatures of people in favor of the project. He pointed out the dire need for affordable housing in the Town and felt this was a step in the right direction.

Travis Miller supported the project and noted the positive effect this would have on his business, and other businesses in Town. He said the project would provide jobs and economic growth.

Lionel Gabby believed the traffic generated by the project would destroy the neighborhood. He particularly objected to the exit onto 58th Street.

Chris Hummer felt development was needed in this area.

Sean Hemingway supported Trotters Chase and believed the affordable housing component was necessary.

Devin Bush felt they must set a precedent for supplying workforce/affordable housing. He believed the increase in the tax base would allow the Town to hire additional public service workers.

Udele Ruiz presented a letter from resident Catherine Wright who had been forced to leave the meeting. In the letter, Ms. Wright was originally reluctant about the project, but later realized the benefits this offered to the community.

Ellis Traub agreed with Ms. Taylor-Prakelt's earlier statement regarding the project. He remarked on the need for affordable housing for people such as teachers and mail carriers. Mr. Traub believed the entire community would be served by this project.

Mike Fleischman was concerned about people getting hurt entering his nursery property and indicated that the developer had agreed to build a fence to match the project architecture. Mr. Mele advised that the fence would be built on Mr. Fleischman's property, so it was not included in their plans, but he agreed to construct this fence.

Robert Bage moved to Davie for the rural lifestyle and this had changed as the Town had developed. He said he had supported other development when he felt it was reasonable. He believed affordable housing should be kept to the Griffin Road corridor.

Bill Rogers appreciated the concept of the project, but was concerned about an increase in traffic on 58th Avenue.

Martha Morales said she was speaking on behalf of a neighbor of the project. She read a statement from the neighbor in support of the project, indicating his belief that the advantages of the project outweighed the disadvantages.

Barbara Cooper stated her support for the project.

Jessica Harrison said she could not afford to live in Davie without the housing her organization provided for her. Trotters Chase might provide her the opportunity to live somewhere else.

Kristen Gonzalez said she supported the project 100%. She felt the 34 units of affordable housing was a start and the project offered many benefits.

Mrs. Rogers agreed with her husband that traffic on 58th Avenue would be a problem. She believed this would adversely affect their quality of life, and the tax income from her property would be less because the property would be devalued.

Rick Fernandez supported this project. He felt the project was beautiful and would benefit the entire community.

Gerald Robinson, real estate adviser to the developer, described this as a true mixed-use project, incorporating all the essential land planning and design criteria recommended for high-end facilities. He

remarked on the project's positive economic impact on the community, including the surrounding property values.

Thomas Alfamo reported that an e-mail survey was sent to 772 Davie residents of which 77 were read and 40 had resulted in a response. Ninety percent of respondents believed this project was appropriate and expressed support.

Elizabeth Snyder felt this was a step to address the affordable housing problem in Davie.

Terry Fuller presented photos she had taken of Griffin Road and SW 58th Avenue at 8:00 that morning. She was not opposed to working class people, but she did not want her property values to go down and traffic to increase, which she believed this project would cause.

Ruth Bronisas Meyer believed the people who lived in Davie "...got it, they want to keep it, they want to maintain it." She felt their lifestyle was threatened and asked Council to stick to low-density development. Ms. Meyer asked Council to either vote against the project or decrease the density.

Amy [no last name provided] asked Council to vote for the project. She believed it would improve the area's quality of life and offer housing solutions.

Paige Swalley opposed the project, stating it did not fit in their neighborhood.

Rebecca Miele remarked on the heavy traffic during rush hour on Griffin Road already and believed this development would only exacerbate the problem. She supported the affordable housing component, but opposed converting agricultural zoning. Ms. Miele felt there were "too many unanswered questions" to allow this project and requested lower density development.

Miriam Grossman asked Council to give this project serious consideration before voting on it. She said that the neighborhood was requesting compromise and asking that the Town adhere to the Master Plan, reduce the size and lower the density to lessen the impact on the surrounding area.

Doris Monier desired less density, less traffic, and less retail. She presented a petition signed by approximately 100 residents in the area of the project.

Anthony Salvino asked Council to listen to the people who lived in the area of the project. He did not feel putting this sort of development next to agriculturally zoned property was advisable.

Pam Pelky-Rose expressed a desire for deed restrictions to prevent 24-hour businesses and liquor licenses in the project. She asked that the project not be granted any variances, rezoning, special permits, or additional residential or retail density.

Nicole Coletti remarked on the heavy traffic already in the area at rush hour and believed this development would only make it worse. She felt there was no demand for additional office space in the Town.

Steve Fuller was against this development and suggested the developer work in another area of Town that was in need of redevelopment, such as the mobile home parks.

Karen Stenzel-Nowicki ceded her time to Ms. Monier. Ms. Monier reiterated that she did not oppose development, but she did oppose the density of this project and the additional traffic it would bring.

Judy Paul was concerned about traffic on 58th Street and 61st. She believed a traffic light at 58th Street and Griffin Road would alleviate some of the traffic and make the intersection safer. Ms. Paul asked Council to listen carefully to the residents and request changes to the plan that would benefit everyone.

James Natale said that the traffic that particular day was worse because of an accident. He asked Council to support the project for the tax revenue it would bring to the Town.

Beth Fuller did not believe the townhomes in the project could be sold at their estimated cost.

Ron Fore said this was not about affordable housing, but he opposed rezoning for affordable housing. He said he opposed the rezoning of 58th Avenue. Mr. Fore remarked on the number of vacant storefronts and empty apartments in Town.

Elyse Swalley said Mr. Cristle had informed her he was a paid lobbyist for Trotters Chase and she believed this presented a conflict of interest. She made a motion "to strike anything he has turned in." Ms. Swalley presented a petition signed by homeowners on the west and south sides of 61st

Avenue opposing the project. She discussed the negative impact the project would have on the nearby equine residents.

Eric Swalley believed there were deficiencies in the traffic report and was opposed to mixed-use development. He said the current Code required residential and commercial development to be kept separate.

William Maclean stated he did not live in Davie but he loved Davie. He felt the affordable housing might enable him to live in Davie.

Carmen Heath said she had recently moved to Davie and stated the reasons why she liked it. She feared this development would cause longtime residents to move.

Bob Kellmer acknowledged that the Griffin Road corridor was meant to accommodate this type of development. He felt this was the best development they would probably get and appreciated the affordable housing component.

Valerie Locio stated traffic on SW 58th Avenue was “horrendous.” She said she sympathized with people who needed housing but they must protect the community as well. Ms. Locio asked that something be done regarding SW 58th Avenue.

Olga Burns, Secretary-treasurer for Country Homes, said they had recently met with the developers. She did not oppose affordable housing but felt this project did not fit in this area. Ms. Burns asked Council to table this item until Councilmember Crowley could be present.

Marita Smith said her daughter was concerned the increased traffic on 58th Avenue would make her late for school and affect her grades.

Jim Mariotti presented a petition from people who supported the project. He felt this project would bring hope to the future of Davie.

A resident of 61st Avenue expressed support for the project. He appreciated the revenue the project would bring to the Town.

Cheryl Freeman was concerned about an increase in traffic.

Gary Ross said he was employed in Davie and hoped to move his family there as soon as this project was permitted.

Alejandro Nunez, President of Development of Amadi Companies, said their screening process would practice a zero tolerance for those with criminal backgrounds. He stated that they were not coming to build and leave and advised that they would continue to manage the buildings. Mr. Nunez said the project had been scaled down three times in response to residents’ concerns regarding the density.

Frank Serra, Mobile Home Task Force member, advised that this project was one way to help address the affordable housing and mobile home crisis in Davie. He said the Task Force had voted in favor of any new development of residential units that would have 20% of the product dedicated to affordable housing. Mr. Serra noted the 500 to 600 jobs this project would bring to the community as well.

Mr. Rayson closed the public hearing portion of the meeting.

Mr. Mele cited Code Sections 12-32.300, 12-32.301(C)(7) and 12-32.304 to refute the claim that mixed-use development was not permitted on the Griffin Road corridor district. He reminded everyone that the developer would improve 58th Avenue and pointed out that they were actually building fewer units per acre than was permitted in the land use plan. In response to some residents’ recommendation that the developer select other land for this development, Mr. Mele stated that the Amedia Companies already owned this property and they would not invest money in a project such as this in anticipation of failure. Regarding the traffic light at 58th Street and Griffin Road to which Ms. Paul had referred, Mr. Mele stated they must perform a warrant study and if the light was warranted, the State would pay for the light. He reported that FDOT had indicated that a light at this intersection was not warranted. Mr. Mele described the lengths the applicant had gone to provide proper notice to residents, both owners and renters.

Mr. Mele agreed to the following deed restrictions: no 24-hour businesses; Sunday through Saturday hours until midnight, Friday and Saturday until 1:00 a.m.; no adult entertainment; no standalone bars; and no gambling [including the Florida lottery].

Responding to a previous speaker, Mr. Mele stated that Mr. Cristle was not a paid lobbyist on behalf of the developer.

Vice-Mayor Caletka asked what accommodations were being made for schoolchildren in the area. Mr. Mele said they were making a bus stop on the east side of 58th Avenue safer by widening the road, and pointed out that pickups in the development could all be performed inside the property.

Council gave their disclosures on this item.

Councilmember Luis noted many positive aspects to this project: green building, affordable/workforce housing, and mixed-use. He believed that Council must be consistent and he acknowledged that they must have increased density in order to have workforce housing.

Vice-Mayor Caletka believed Councilmember Crowley's request that Council hear this item in his absence implied he supported the project. Vice-Mayor Caletka provided reasons he believed he should support the project and reasons he should oppose the project and refuted some of the objections raised by residents. He acknowledged it was contradictory to support affordable housing but to oppose increased density but said he intended to vote against the site plan because he believed it was "just a little bit too much at this time."

Councilmember Starkey said that she had attended many of the neighborhood meetings and understood the residents' concerns. She wanted to ensure the situation on 58th Avenue was addressed with FDOT. Councilmember Starkey felt the developer had come a long way and addressed many of the concerns expressed by residents. She thought the affordable housing component was one of the most important concepts of the project. Councilmember Starkey said she had heard the concerns of Town employees who wished they could afford to live in the Town. She stated she would support the project.

Mayor Truex said he supported the project because it fit in perfectly with the Griffin Road corridor study design. He acknowledged that some of the commercial development on the Griffin Road corridor was unoccupied but was filling up. Mayor Truex asked staff to make a detailed list of the deed restrictions.

Councilmember Luis made a motion, seconded by Mayor Truex, to approve 4.13. In a voice vote, with Vice-Mayor Caletka dissenting and Councilmember Crowley being absent, all voted in favor. (Motion carried 3-1)

Councilmember Luis made a motion, seconded by Councilmember Starkey, to approve 4.15. In a voice vote, with Vice-Mayor Caletka dissenting and Councilmember Crowley being absent, all voted in favor. (Motion carried 3-1)

Councilmember Luis made a motion, seconded by Councilmember Starkey, to approve 4.16. In a voice vote, with Vice-Mayor Caletka dissenting and Councilmember Crowley being absent, all voted in favor. (Motion carried 3-1)

Councilmember Luis made a motion, seconded by Councilmember Starkey, to approve 4.20. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - no; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 3-1)

Councilmember Luis made a motion, seconded by Councilmember Starkey, to approve 6.1. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - no; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 3-1)

Councilmember Luis made a motion, seconded by Councilmember Starkey, to approve 6.9. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - no; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 3-1)

Councilmember Luis made a motion, seconded by Councilmember Starkey, to approve 6.12. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - no; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 3-1)

Ordinance - Second Reading

6.2 **FEE SCHEDULE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2007-37 **AMENDING THE CURRENT FEE SCHEDULES FOR THE ENGINEERING**
DIVISION OF THE DEVELOPMENT SERVICES DEPARTMENT OF THE TOWN
OF DAVIE BY ADDING LEGAL REVIEW FEES, PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on
First Reading - all voted in favor}

Later in the meeting, Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Vice-Mayor Caletka made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - absent. (Motion carried 3-0)

Ordinances - First Reading (Second and Final Reading to be held December 19, 2007)

6.3 **EXISTING NONCONFORMING VEHICULAR ACCESSWAY - AN**
ORDINANCE OF THE TOWN OF DAVIE, FLORIDA PERTAINING TO THE
SUBJECT OF WHETHER TO ALLOW THE CONTINUATION OF AN EXISTING
NONCONFORMING VEHICULAR ACCESSWAY IN ACCORDANCE WITH THE
PROCEDURES AND REQUIREMENTS CONTAINED IN SECTION 12-292(D),
TOWN OF DAVIE CODE OF ORDINANCES; DESCRIBING THE LAND
AFFECTED AS ALL OF TRACTS 55 AND 56, IN SECTION 11, TOWNSHIP 50
SOUTH, RANGE 40 EAST, ACCORDING TO THE FLORIDA FRUITLANDS
COMPANY SUBDIVISION NO. 1, RECORDED IN PLAT BOOK 2, PAGE 17, OF
THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LANDS
LYING AND SITUATED IN THE TOWN OF DAVIE, BROWARD COUNTY,
FLORIDA; THE EXISTING NONCONFORMING VEHICULAR ACCESSWAY
BEING GENERALLY DESCRIBED AS THE 12400 THROUGH 12700 BLOCK OF
SW 13TH STREET IN DAVIE, BROWARD COUNTY, FLORIDA; CONSIDERING
THE APPROVAL IN CONNECTION THEREWITH OF A NON-EXCLUSIVE
EASEMENT TO THE TOWN OF DAVIE FOR GOVERNMENTAL SERVICES
AND A NON-EXCLUSIVE INGRESS/EGRESS LICENSE AND COVENANT TO
CONVEY TO TOWN OF DAVIE; MAKING OTHER APPROPRIATE
CONDITIONS IN CONNECTION WITH CONSIDERATION OF THIS MATTER;
PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE
THEREFORE. (tabled from November 27, 2007)

This item was tabled earlier in the meeting.

6.4 **FEE SCHEDULE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, PROVIDING FOR INCREASES IN THE RATES, FEES AND CHARGES FOR WATER AND SEWER SERVICES TO BE FURNISHED BY THE TOWN; PROVIDING FOR THE ESTABLISHMENT OF SUCH RATES, FEES AND CHARGES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing would be held on this item at the December 19, 2007 meeting.

Utilities Director Bruce Taylor stated that Public Resource Management Group would provide a PowerPoint presentation on water and sewer rates. Also present were Damon Adams from Dunlop Associates, Carl Kennedy from Calvin Giordano, and Jose Lopez from South Florida Water Management.

Robert Ori, Public Resources Management Group, provided an overview of the workshop held on November 5th, and explained changes made to the financial forecast as a result of that workshop. He described how the rates and fees must be increased and structured to keep up with their future needs. Mr. Ori reported that if the rates and fees he suggested were adopted, the Town would be able to finance their five-year capital improvement program using bonds and maintain financial sustainability vis-à-vis their debt requirements. He advised that the Town must also develop a reclaimed water master plan.

Mayor Truex agreed a built-in cost-of-living increase was needed. He also believed the Town must investigate reclaimed water utilization.

Councilmember Luis asked if there would be a limit to the amount of water that could be withdrawn if they went to reverse osmosis. Mr. Ori responded that a permit would determine how much could be drawn. Mr. Lopez said they had several choices: they could utilize reclaimed water, use the Florida aquifer or explore desalination or reverse osmosis.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Luis made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-0)

6.5 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, DIVISION 2, GENERAL REGULATIONS, SEC. 12-33. GENERAL REGULATIONS, SUBSECTION (A), ACCESSORY USES AND STRUCTURES, ADDING NUMERAL (12) GENERATOR, AND NUMERAL (13) UNDERGROUND CONTAINER FOR NATURAL GAS (LIQUEFIED PETROLEUM); ARTICLE VI, SITE LANDSCAPING, SECTION 12-111, MINIMUM LANDSCAPING REQUIREMENTS FOR OUTDOOR EQUIPMENT OR FACILITIES; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing would be held on this item at the December 19, 2007 meeting.

Mayor Truex asked Ms. Nolan why this amendment was needed. She explained that there was a great demand for generators and the Code currently had no clearer regulations concerning them.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Vice-Mayor Caletka made a motion, seconded by Mayor Truex to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - absent. (Motion carried 3-0)

- 6.6 **TEXT AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE III, USE REGULATIONS, DIVISION 5, NONCONFORMING USES AND STRUCTURES, SECTION 39, NONCONFORMING BUILDING AND STRUCTURES, TO CREATE AN EXCEPTION FOR ADDITIONS TO SINGLE FAMILY DWELLING WITH LEGAL NONCONFORMING SETBACKS; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing would be held on this item at the December 19, 2007 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Mayor Truex requested that the item be tabled to December 19, 2007 because he had some questions.

Vice-Mayor Caletka made a motion, seconded by Mayor Truex, to table to December 19, 2007. In a voice vote, with Councilmembers Crowley and Starkey absent, all voted in favor. (Motion carried 3-0)

- 6.7 **TEXT AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE III, BY ADDING THE FOLLOWING SECTIONS: 12-32.500 "RAC" REGIONAL ACTIVITY CENTER DISTRICTS, 12-32.501 INTRODUCTION, 12-32.502 TERMINOLOGY AND ABBREVIATIONS, 12-32.503 INTENT/PURPOSE, 12-32.504 APPLICABILITY, 12-32.505 TRANSIT-ORIENTED STREETS, 12-32.506 RAC DISTRICTS INTENT AND REQUIREMENTS, 12-32.507 PERMITTED USES, 12-32.508 COMPONENTS OF PLACE STREETS AND BLOCKS, 12-32.509 INTENSITY OF USE STANDARDS, 12-32.510 SITE DEVELOPMENT STANDARDS, 12-32.511 BUILDING FRONTAGE TYPES AND RIGHT-OF-WAY ENCROACHMENTS, 12-32.512 RULES OF TRANSITION, 12-32.513 USE OF PUBLIC RIGHT-OF-WAY, 12-32.514 MASSING AND ARTICULATION, 12-32.515 GENERAL PROVISIONS, 12-32.516 NONCONFORMITIES, 12-32.517 OFF-STREET PARKING REQUIREMENTS, 12-32.518 GENERAL OPEN SPACE PRINCIPLES AND REQUIREMENTS, 12-32.519 TYPES OF OPEN SPACES PRINCIPLES AND MINIMUM STANDARDS, 12-32.520 SIGNAGE REGULATIONS, 12-32.521 LANDSCAPING REQUIREMENTS AND GUIDELINES, 12-32.522 SITE PLAN PROCEDURES, 12-32.523 VARIATIONS IN DESIGN ADMINISTRATIVE RELIEF, 12-32.524 BUILDING DESIGN GUIDELINES, 12-32.525 ADDITIONAL DESIGN GUIDELINES, 12-32.526 GREEN BUILDING, 12-32.527 DEFINITIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

This item was tabled earlier in the meeting.

Ordinances - First Reading/Quasi-Judicial Items (Second and Final Reading to be held December 19, 2007)

6.8 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-1-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT AND RO, RESIDENTIAL OFFICE DISTRICT TO R-3, LOW DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-1-05, Royal Davie, generally located on the west side of the 55th block of Davie Road, between Stirling Road and Griffin Road) [see related item 4.17] *Planning and Zoning Board recommended approval*

Mr. Rayson swore in witnesses.

Acting Development Services Director Marcie Nolan summarized the report.

Mr. Rayson read the ordinance by title.

Barry Webber, representing the applicant, confirmed that the project complied with all of the Town's Codes. He described the site plan and said the applicant was finalizing the drainage agreement with the property owner to the north. Mr. Weber requested approval of the site plan and the rezoning.

Mr. Rayson opened the public hearing portion of the meeting.

Damiano Pignato, adjacent property owner and member of the Planning and Zoning Board, said he was in favor of this project and had voted for it when it was presented to the Planning and Zoning Board.

Robert Bage supported this project as well and felt this was a reasonable, smart development.

Mr. Rayson closed the public hearing portion of the meeting.

Vice-Mayor Caletka asked if the applicant planned to move the historic oak on the property. Luis Vlado, project landscape architect, advised that the tree would remain in its current location. He pointed out that they had rerouted the sewage easement 30 feet to accommodate the tree's root system.

Councilmember Luis made a motion, seconded by Councilmember Starkey, to accept 4.17.

Vice-Mayor Caletka asked to add a statement to the motion that the historic oak would not be moved. Councilmember Luis and Councilmember Starkey agreed.

In a voice vote, with Councilmember Crowley being absent, all voted in favor. (Motion carried 4-0)

Councilmember Luis made a motion, seconded by Councilmember Starkey to approve item 6.8. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-0)

6.9 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 10-2-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: A-1, AGRICULTURAL DISTRICT TO: GRIFFIN CORRIDOR DISTRICT (EGZ); AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 10-2-07, Trotters Chase/5820 Griffin Road) [see related items 4.15, 4.16, 4.20, 6.1, and 6.12] *Planning and Zoning Board recommended approval*

This item was approved during discussion under 6.1.

6.10 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 10-1-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE'S REGIONAL ACTIVITY CENTER (RAC) LAND USE CATEGORY WITH THE EXCEPTION OF THE REGIONAL ACTIVITY CENTER-ACADEMICAL VILLAGE DISTRICT (RAC-AV) FROM THE FOLLOWING DISTRICTS: MEDIUM DENSITY (R-4A(OLD CODE)), RECREATION AND OPEN SPACE (RS), LIGHT INDUSTRIAL (M-1 (OLD CODE)), MEDIUM INDUSTRIAL (M-2 (OLD CODE)), PLANNED INDUSTRIAL PARK (M-3 AND M-3 (OLD CODE)), LIMITED HEAVY INDUSTRIAL (M-4 (COUNTY)), BUSINESS PARK (BP), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3), COMMERCE CENTER (CC), MEDIUM INDUSTRIAL (M-2), CEMETERY DISTRICT (A-9 (COUNTY)) TO: REGIONAL ACTIVITY CENTER-RESEARCH AND TECHNOLOGY DISTRICT WEST (RAC-RTW) FROM: MEDIUM-HIGH DENSITY DWELLING (RM-16), NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3), COMMUNITY FACILITIES (CF), LOW DENSITY DWELLING (R-3), RECREATION AND OPEN SPACE (RS), AGRICULTURAL (A-1) TO: REGIONAL ACTIVITY CENTER-EDUCATIONAL DISTRICT (RAC-ED) FROM: NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), MEDIUM-HIGH DENSITY DWELLING (RM-16), HIGH DENSITY (RM-25 (COUNTY)), TRAILER PARK (T-1 (COUNTY)), AGRICULTURAL (A-1 (COUNTY)), (A-3 (COUNTY)), PLANNED INDUSTRIAL PARK (M-3), HEAVY INDUSTRIAL (M-3 (COUNTY) & M-3 (HAC VILL)) TO: REGIONAL ACTIVITY CENTER-RESEARCH AND TECHNOLOGY DISTRICT EAST (RAC-RTE) FROM: UTILITIES (U), AGRICULTURAL (A-1), LOW DENSITY DWELLING (R-3), LOW MEDIUM DENSITY DWELLING (R-5), MEDIUM-HIGH DENSITY DWELLING (RM-16), COMMUNITY FACILITIES (CF), COMMUNITY BUSINESS (B-2), RECREATION AND OPEN SPACE (RS), LIGHT INDUSTRIAL (M-1), MEDIUM INDUSTRIAL (M-2), RESIDENTIAL/OFFICE (RO), EASTSIDE NEIGHBORHOOD ZONING (ENSZD) TO: REGIONAL ACTIVITY CENTER-DOWNTOWN NEIGHBORHOOD DISTRICT LOW DENSITY (RAC-ND-2) AND REGIONAL ACTIVITY CENTER-DOWNTOWN NEIGHBORHOOD DISTRICT, MEDIUM DENSITY (RAC-ND-4) FROM: PLANNED RESIDENTIAL DISTRICT (PRD-20 AND PRD-22), MEDIUM DENSITY DWELLING (RM-10), MEDIUM-HIGH DENSITY DWELLING (RM-16), AGRICULTURAL (A-1), COMMUNITY FACILITIES (CF), RECREATION AND OPEN SPACE (RS), MEDIUM DENSITY (MH-10), GRIFFIN CORRIDOR DISTRICT (WGZ), GRIFFIN CORRIDOR DISTRICT (DZ), NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3) TO: REGIONAL ACTIVITY CENTER-TOWN CENTER DISTRICT (RAC-TC); IN ACCORDANCE WITH THE ADOPTED REGIONAL ACTIVITY CENTER MASTERPLAN (#R-2006-155 AND R-2006-335); AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 10-1-07 Regional Activity Center, generally located south of I-595, west of the Florida Turnpike, west of University Drive, and north of Griffin Road) *Planning and Zoning Board recommended approval*

This item was tabled earlier in the meeting.

Quasi-Judicial Items

- 6.11 **VARIANCE** - V 7-2-07, Gulla, 13201 SW 16 Court (A-1) (allow a pool to be located in the required 30 foot street side yard setback and to provide an 11 foot setback as opposed to the required 30 foot street side yard setback) [see related item 4.14]
Planning and Zoning Board recommended approval

Earlier in the meeting, Mr. Rayson swore in the witnesses. Ms. Nolan summarized the staff report. Mr. Rayson confirmed with Ms. Nolan that staff had not determined there were any special circumstances or hardships in this case.

Mr. Rayson opened the public hearing portion of the meeting.

Councilmember Luis pointed out that this did not connect to the horse trail and there was room for the horse trail on the property. He explained that he was the only neighbor who would be affected by this and did not object.

Mr. Gulla explained that the property had not changed in 10 years and there was still sufficient room for horses to travel.

Damiano Pignato supported the project.

Mr. Rayson closed the public hearing portion of the meeting.

Council gave their disclosures on this item.

Councilmember Luis made a motion, seconded by Councilmember Starkey, to accept. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-0)

- 6.12 **SPECIAL PERMIT** - SE 10-1-07, Trotters Chase 5820 Griffin Road (EGC) (to utilize existing buildings on the subject site as a temporary construction management office, equipment storage, and sales center) [see related items 4.15, 4.16, 4.20, 6.1, and 6.9]
Planning and Zoning Board recommended approval

This item was approved during discussion under 6.1.

WITHDRAWN BY PETITIONER

- 6.13 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 6-2-06, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-4 (COUNTY), LIMITED HEAVY INDUSTRIAL DISTRICT TO M-3, PLANNED INDUSTRIAL PARK DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was withdrawn earlier in the meeting.

7. APPOINTMENTS

- 7.1 Mayor Truex

- 7.1.1 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

- 7.1.2 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

7.2 Vice-Mayor Caletka

- 7.2.1 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

Vice-Mayor Caletka appointed Hal Axler.

7.3 Councilmember Crowley

- 7.3.1 Airport Advisory Board (one exclusive appointment; term expires December 2007)

No appointment was made.

- 7.3.2 Budget Advisory Board (one exclusive appointment - term expires April 2008) (members shall have experience in financial related occupation or similar skills)

No appointment was made.

- 7.3.3 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 7.3.4 Water and Environmental Advisory Board (one exclusive appointment per Councilmember; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

7.4 Councilmember Luis

- 7.4.1 Airport Advisory Board (one exclusive appointment; term expires December 2007)

No appointment was made.

7.5 Councilmember Starkey

- 7.5.1 Airport/Transportation Advisory Board (one exclusive appointment; term expires December 2007)

No appointment was made.

- 7.5.2 Mobile Home Task Force (one exclusive appointment - representing a mobile home park owner/manager)

No appointment was made.

- 7.5.3 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 7.5.4 Water and Environmental Advisory Board (one exclusive appointment per Councilmember; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

- 7.6 Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made.

8. OLD BUSINESS

8.1 Police Athletic League Donation - Vice-Mayor Caletka

Vice-Mayor Caletka made a motion, seconded by Mayor Truex, to place this item on the January 2, 2008 agenda. In a voice vote, with Councilmembers Crowley and Starkey absent, all voted in favor. (Motion carried 3-0)

8.2 Downtown Davie

Earlier in the meeting, Mr. Brady, representing the Downtown Davie project, asked Council to direct staff to allow the project to move forward regarding the drainage work in the easement area.

Mayor Truex opened the public hearing portion of the meeting.

Mary Geus, resident of Emerald Isles Condo Association, reiterated her group's belief that false claims had been made by representatives from the Downtown Davie project. He added that the Emerald Isles residents felt there had been "improper pressure" put upon them by Mayor Truex.

Kimberly Forcand claimed that the developer had illegally taken over the condominium association's access road through misrepresenting to the Town that they had an agreement with Emerald Isles to do this. She stated that Emerald Isles must have a specific agreement in place with the developer to protect their property prior to any work being done,

Jennifer Melendez referred to the developer's statement that the project's use must be changed in order for it to be viable. She believed this was the reason work had ceased at the project, not Emerald Isles' interference.

Mitchell Sporda stated that the developer was describing part of their parking area as illegal because the developer wanted to use this area. He took issue with the project representative's characterization of Emerald Isles' requests to repair damage to their property as extortion. Mr. Sporda claimed that Emerald Isles had never requested "anything unreasonable that is above covering the cost of protecting the association and for damages already caused by the developers."

Andrew McFarland reported that they had met with Mayor Truex and the Downtown Davie representatives to discuss their concerns. He believed Mayor Truex's goal was to compel an agreement or he would do everything in his power to allow Nob Hill developers to enter the Emerald Isles property without an agreement. Mr. McFarland claimed that throughout the meeting, Mayor Truex adhered to a narrow agenda of assisting the developers in obtaining their goals. Mr. McFarland explained that the easement agreement upon which he believed Mayor Truex was basing his decisions was actually between Emerald Isles and the Water Management District. This was not district work, this was work being done by a private entity. Mr. McFarland stated Emerald Isles was requesting certain safeguards to protect them from further unsafe conditions such as flooding, unfinished work, and damage.

Antoine Forcand, president of the condominium association, said the association members believed they were entitled to protection of their property rights by the Town and Council. He felt the Mayor's willingness to overturn the Engineering Department's requirements demonstrated a denial of their protection. Mr. Forcand stated that their attorney and engineer were drafting a detailed agreement to address their concerns and requirements, which would be presented to the developer along with a new easement agreement and a modified drainage, elevation and grading plan.

Mayor Truex confirmed that he had tried to facilitate an agreement. He remarked on the flooding problem Emerald Isles had experienced over the years, noting that this could worsen if it were not addressed. Mayor Truex believed the agreement they were working on included the developer providing alternate access to the condominium association's back parking and the agreement that the

condominium would suffer no net loss of parking. Mayor Truex suggested that the developer be given the access that would allow them to complete their plumbing.

Mr. Rayson confirmed for Mr. Forcand that the easement could be transferred or assigned from the Water Control District for drainage purposes. Mr. Rayson agreed that the Emerald Isle property was very low and tended to flood and explained that the developer had spent thousands of additional dollars to improve the drainage conditions to benefit Emerald Isles. They had crafted an agreement pursuant to this and Mr. Rayson was shocked that the work had not been permitted. He confirmed that these engineering improvements would help the drainage issues at Emerald Isles and their engineer and attorney had signed off on this agreement.

Councilmember Starkey did not believe Council should intervene if there was litigation going on between the developer and the homeowner's association. She wanted staff to create a comprehensive report regarding this issue.

Mr. Rayson informed Council that the litigation regarding the Central Broward Water Control District had been dropped. There had been discussions regarding an agreement with Emerald Isles for access to their property on a limited basis to complete the project.

Vice-Mayor Caletka agreed with Councilmember Starkey that Council should not be involved if there was ongoing litigation. He did not believe there was a rush regarding this because they were entering the dry season and there was no imminent danger of flooding on the property.

Councilmember Luis urged Emerald Isles to work with the developer to resolve this situation.

Mr. Forcand outlined attempts the homeowner's association had made to work with the developer and said they did not believe any of the other parties had the best interests of Emerald Isles residents in mind. He claimed that flooding was not that severe at the property under normal circumstances and he did not believe that installing a new drainage pipe would benefit Emerald Isles at all.

Mr. Brady clarified that the lawsuit against the Water Control District had been dropped. The attorney for Emerald Isles had admitted to the Magistrate that their case could not be proven and had withdrawn their motion for temporary relief. The \$750,000 claim against Emerald Isles was still pending and they intended to collect this once they were awarded the judgment.

Mr. Brady explained that the drainage work would have taken three to five weeks in the dry season last year, but Emerald Isles had refused to allow this. Five engineers, including those working for Emerald Isles, had approved the plan, but the homeowner's association had rejected it.

Mr. Mattel, representing the developer, stated that the only thing preventing the developer from continuing to install their drainage pipe was a letter from the Town. He agreed with Councilmember Starkey that the Town should not interfere in a private dispute, but this letter was interfering with the lawsuit.

9. NEW BUSINESS

No new business was discussed.

10. SCHEDULE OF NEXT MEETING

No meetings were scheduled.

11. MAYOR/COUNCILMEMBER'S COMMENTS

VICE MAYOR CALETKA'S COMMENTS

SCHOOL SITE SELECTION COMMITTEE. Earlier in the meeting, Vice-Mayor Caletka discussed the School Site Selection Committee meeting to be held on December 10th and said he wanted to advise the Committee that Davie was not interested in having either site on Flamingo Road developed as a school. Councilmember Luis suggested a workshop for residents on this issue. Mayor Truex said he had already informed the School Board that they must hold public meetings and provide more information.

Councilmember Starkey reminded Council that she had been on the Broward County Schools Facilities Task Force for years and she believed it was statistically clear that the school needed to be located in Weston where the kids were. Councilmember Starkey said the Site Selection Committee had twice recommended the Weston sites.

12. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

13. TOWN ATTORNEY'S COMMENTS

LITIGATION CLOSINGS. Mr. Rayson said he anticipated closings on the Lamar and Ontaneda litigations and advised that he would need Mayor Truex and Town Clerk Muniz to sign the release documents.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 2:08 a.m.

Approved _____

Mayor/Councilmember

Town Clerk